

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of MARCIA LOUISE FUDGE, of Ohio, to be Secretary of Housing and Urban Development.

The ACTING PRESIDENT pro tempore. The majority whip.

IMMIGRATION

Mr. DURBIN. Mr. President, for 20 years now, I have come to this floor hundreds of times to speak on behalf of the DREAM Act, which I introduced long ago. During that period of time, I have had an occasional vote. I have not been successful in making it the law of the land.

The closest I came was about 8 years ago, when we had the comprehensive immigration reform bill. Four Democratic Senators and four Republican Senators—and I was among them—worked for months to try to address our immigration system. We came up with an agreement that was no mean feat. It is a complex area of law. It is a controversial area of law. It is an area of law that changes almost by the day, and we were trying to find a solution to all the challenges it presents.

To think that we are a nation of immigrants and, then, to reflect on our history on immigration is to leave one puzzled.

Most of the time we have been against immigration, despite the arrival of good people on our borders. Occasionally, when we were building a transcontinental railroad, we would invite people from China in to take the backbreaking jobs, only to categorically exclude them from immigration in the meantime. It is hard to explain, understand, or appreciate where we stand on immigration.

When I hear the Republican leader come to the floor and criticize President Obama for DACA, I have to say that it is personal to me. I was writing letters to President Biden, my former Senate colleague from Illinois, begging him to do just that, and he did.

In creating DACA, he gave the Dreamers a fighting chance, and more than 800,000 of them came forward. These were young people who were brought to the United States as toddlers and infants and children, not because of a personal decision but a family decision. They grew up here, went to school here, and believed they were a part of this country, only to learn in a quiet moment of honesty from their parents that they didn't have the necessary paperwork and they had to be extra careful or face deportation.

I thought that was a heartbreaking conclusion for their time in America and introduced the Dream Act. And when we could not pass it, I asked

President Obama to do what he could to help, and he did. I thank him for it still to this day.

But DACA, if it was stretching Executive power, was certainly reflective of where the American people are on this issue. No apologies; the American people don't hold these young children now grown responsible for their family's decision. They want to give them a chance. They want to give them a chance to earn their legal status, to earn a path to citizenship. No apologies here; these are wonderful young people who make America a better country, and we need them to be a part of our future.

So for those who come to the floor critical of DACA, I just tell you: Take a couple of minutes and meet these young people. I have come to the floor over a hundred times telling their personal stories. They are a great source of pride, not just for me but for this Nation.

Now we face problems on our border—and we have for some time—and they are challenges that are very real. Mr. Mayorkas has taken over as the head of the Department of Homeland Security. He is a person I willingly and anxiously support for that job. He has a personal family story of immigration, but, more importantly, he has a depth of experience that is almost impossible to find in other places.

He has tried to come together with the leaders in Central America to fashion a plan for order on the border, and it is difficult. It is true that larger numbers are coming to the border at this time. The Senator from Kentucky said earlier that they believe they have a right to break Federal law. I couldn't disagree with him more. They are presenting themselves at the border under the law of asylum in the United States so that they can be judged as to whether or not they are eligible to come into this country. That is the process, but it has broken down because the numbers presenting themselves at the border and the backlog of cases, more than a million cases pending.

We don't have enough judges. We don't have a procedure that is sensible and humane. We need all of that, and it is not going to happen the day after tomorrow. Part of it depends on us. It is one thing to come to the floor and lament the situation of immigration in our country. It is another to roll up your sleeves and say: Let's do it; let's solve it on a bipartisan basis. And it is certainly an imperative in a 50–50 Senate that any immigration legislation be done on a bipartisan basis.

I stand ready to do that as chairman of the Judiciary Committee, and I think colleagues on the Republican side agree with me. As tough as it may be, we need to tackle these issues and not ignore them as they have been ignored during the last 4 years. That is going to call for some cooperation and some compromise on both sides, but we owe it to our country to do the right thing to make our immigration system sensible, logical, and fair.

I don't want to go back to those moments under the Trump administration of zero tolerance, where over 2,000 children were forcibly removed from their parents, sent into a bureaucratic "Never Never Land" and then were only reunited—and not all of them have been—those who were reunited were because of a Federal court order calling on the Trump administration to do it.

They cast those children adrift in the bureaucracy. It wasn't until the Federal court demanded that they be reinstated with their families that it happened—in most instances but not in all of them. So we have a lot of work to do, and I hope we can do it on a bipartisan basis. We need to do it as quickly as we can on a bipartisan basis.

56TH ANNIVERSARY OF BLOODY SUNDAY

Mr. President, I was a college student in town here at Georgetown University, and I can remember it well. You have a lot of time to talk with your roommates about things that you might just do with your life and things that you should do, even as a student. I remember that week before the march on Selma, there was a serious conversation among my roommates as to whether we ought to pack up and head to Selma, AL, to join in the march. We were serious about it. We thought about it, but, in the end, it fell through. Too many classes would be cut and jobs we wouldn't be attending to, and we decided at the last minute it just wasn't practical at all for us to do it. I regret that decision to this day. I wish I had been there, even if I were in the back of the line, to say I was part of that day in history.

It was 56 years ago last Sunday, some 600 civil rights activists, 56 years ago, were kneeling in prayer outside the Brown Chapel AME Church in Selma. Leading them was our dearly departed friend—and I know he was the Presiding Officer's friend as well—and former colleague John Lewis. As they stood up outside the church, they formed two rows and began a silent, orderly march toward Montgomery, AL. We all remember that photo of John Lewis coming over that bridge in his tan raincoat and his backpack.

As the civil rights activists reached the Edmund Pettus Bridge, they were met by a phalanx of State troopers and armed vigilantes. They wielded cattle prods, billy clubs, shotguns, and other makeshift weapons. We all know what happened next. Today, that violence is remembered as "Bloody Sunday."

What some may not know is what happened the night before that march. The county sheriff in Selma, Jim Clark, had issued a call to arms. He ordered White men in the area to join troopers in Selma, and he deputized those people to help stop the march. They answered the call, lining up by the hundreds alongside the State troopers.

John Lewis and his fellow patriots were not going to be intimidated. They

stood tall. They bore the brunt of racist violence, and they did so with a solemn purpose: They wanted to build a more perfect union in this country, to make sure every voice is heard in our democracy.

Days later, with the brutal scenes from Selma fresh in the minds of America, President Lyndon Johnson urged Congress to pass the Voting Rights Act. That August, he signed the bill into law. It is hard to imagine, isn't it? In the same year he proposed it, we actually saw Congress pass the law. That is what happened in the good old days. His law fundamentally changed our Republic for the better, but our work remains far from over.

Last weekend also marked the anniversary of another tragic moment in our Nation's history, far more recent than Bloody Sunday. It was 2 months ago—2 months ago on January 6 that a violent mob stormed through the halls of this Capitol Building. Like the vigilantes in Selma, they, too, were answering a call to arms—except this one wasn't issued by a county sheriff; it was issued by the former President of the United States, Donald Trump. The failed insurrection of January 6 not only left five people dead, but, like Bloody Sunday, it left a permanent stain on our Nation's history.

Make no mistake, no more than half a century stands between these two dark days for democracy. They are part of the same thread that sadly has run through American history: racism—racism weaponized to deny full citizenship to Black and Brown Americans.

The mob violence that we personally witnessed on January 6 in this building was not an aberration; it was the continuation of a sad chapter in our history. For months, former President Trump had sowed doubt about the legitimacy of the election. He claimed that it was stolen from him. "Stop the steal," they chanted. We know that President Trump's claims have no basis in reality. Just 2 days ago, the Supreme Court finally dismissed the last remaining case brought by Trump supporters to push the big lie. The Supreme Court didn't buy it. In fact, no court bought it.

The former President has never let facts stand in his way, has he? In fact, he claims to know exactly where this supposed fraud transpired, cities like Philadelphia, Atlanta, Milwaukee, and Detroit—coincidentally, cities with large populations of Black and Brown voters. This is no coincidence. President Trump and his enablers believe they were entitled to victory because they don't think that every American should have an equal vote in our democracy.

President Trump's efforts to overturn the election are just the most recent example of a decades-long movement to suppress voters of color.

I have spoken on this floor before about investigations I conducted as chairman of the Subcommittee on Civil Rights and Human rights of the Senate

Judiciary. I took the show on the road. I traveled to Ohio and Florida, where lawmakers at that time were considering making it more difficult to vote, requiring IDs, and this was before the Supreme Court's disastrous decision in Shelby County.

That ruling opened the floodgates. It allowed a number of State legislatures to enact discriminatory restrictions on voting that would no longer require approval from the Department of Justice. That decision was a repudiation of the sacrifice John Lewis and his fellow patriots made on Bloody Sunday.

We must learn from our history, whether it was 56 years ago or just 2 months ago, and we must recognize that the fundamental right to vote is still under attack. Just last week, the Supreme Court heard arguments in a case that could further fracture the Voting Rights Act by limiting the effectiveness of a provision that allows voters to challenge discriminatory restrictions. Lawmakers in 43 States have already introduced more than 250 bills this year to restrict voting access.

This book, "One Person, No Vote," was written by Carol Anderson, a professor at Emory University in Atlanta. I read her first book, "White Rage," contacted her, and we are friends. I think her analysis of Reconstruction, Jim Crow, the Great Migration, and all that followed is the most lucid presentation I have read about that chapter in history.

In this book, she goes directly into the issue of voter suppression. One of her observations is worth repeating on the floor of the Senate. She refers to what is known in history as the Mississippi Plan. I will read a few sentences from this book, as follows:

That became most apparent in 1890 when the Magnolia State passed the Mississippi Plan, a dizzying array of poll taxes, literacy tests, understanding clauses, newfangled voter registration rules, and "good character" clauses—all intentionally racially discriminatory but dressed up in the genteel garb of bringing "integrity" to the voting booth. This feigned legal innocence was legislative evil genius.

Virginia representative Carter Glass, like so many others, swooned at the thought of bringing the Mississippi Plan to his own state, especially after he saw how well it had worked. He rushed to champion a bill in the legislature that would "eliminate the darkey as a political factor . . . in less than five years." Glass, whom President Franklin Roosevelt would one day describe as an "unreconstructed rebel," planned "not to deprive a single white man of the ballot, but [to] inevitably cut from the existing electorate four-fifths of the Negro voters" in Virginia.

One delegate questioned him: "Will it not be done by fraud and discrimination?"

Glass responded:

"By fraud, no. By discrimination, yes," Glass retorted. "Discrimination! Why, that is precisely what we propose . . . to discriminate to the very extremity . . . permissible . . . under . . . the Federal Constitution, with a view to the elimination of every negro voter who can be gotten rid of, legally, without materially impairing the numerical strength of the white electorate."

In those days, they were very direct and honest about their ambitions in voter suppression. What is the explanation these days?

If we don't believe that there was massive fraud—and there was not, by any objective measure—in the 2020 election, why are so many legislators in the business now of reducing the opportunity for Americans to vote in their States? Why? If they can't sell an idea, they just want to change the electorate, and perhaps that would lead to victory, but at what cost?

The most enduring legacy of Bloody Sunday is the legislation that it helped to inspire, the Voting Rights Act. We must now draw from this moment in our history, a lesson to be realized, the promise of that legislation: a full and vibrant democracy, made up of all Americans of every color and creed.

We have an obligation not just to restore the Voting Rights Act but to build on it, to make it stronger and more comprehensive. Fortunately, President Joe Biden's administration has indicated it is ready to do just that. Last Sunday, in honor of the 56th anniversary of Bloody Sunday, President Biden signed an Executive order calling on the Federal Government to make it easier for Americans to register to vote and access the ballot box.

While this Executive order was a welcome announcement, we need to act as well in Congress. As chair of the Senate Judiciary Committee and a cosponsor of the John Lewis Voting Rights Act in the last Congress, I look forward to working to restore and strengthen the Voting Rights Act in the months ahead.

Though our friend and colleague is no longer with us today, his legacy towers over us. We stand on his shoulders and those of all the American heroes who bled on the streets of Selma in 1965 and long after. We must carry on the fight for equality, and we can begin by enacting a bill the House of Representatives passed last week, the For the People Act.

This bill would prohibit voter roll purges, as we have seen in States like Ohio and Georgia, and modernize and strengthen voter registration systems and ballot access.

I would say to the other party: Don't be afraid of the voters. In this democracy, they have the last word. Denying them the right to vote is no way and no strategy for a great political party.

It would also help end the dominance of dark money in our political system, including through establishing a small-donor public financing system for congressional elections, based on my Fair Elections Now Act.

The For the People Act is a vital step toward repairing and improving our democratic process. Passing it and the John Lewis Voting Rights Advancement Act will provide critical tools in the fight to ensure that all Americans can exercise their right to vote. These bills represent the bold actions that Americans have been calling for. We must not ignore that call.

In 2020, the American people turned out in historic numbers in the election, but they also turned out in historic numbers in protests in support of racial justice across America. John Lewis's march to Montgomery never ended. It has taken on a new life, a new generation of marchers, and more Americans than ever before are putting their feet to the pavement.

It is time to finish the work of John Lewis and the heroes of the civil rights movement. As we commemorate the 56th anniversary of Bloody Sunday, we can do no less. With his eyes wide open, John Lewis marched across the Edmund Pettus Bridge in Selma knowing he was facing a deadly, hateful crowd. They broke down his body, but they could not defeat his spirit. The question we face today is whether John Lewis's spirit still lives in us.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican whip.

TRIBUTE TO ROY BLUNT

Mr. THUNE. Mr. President, before I begin, I want to take a moment to express my sadness about Senator BLUNT's announcement that he will not seek reelection in 2022.

He has been a leader within our conference ever since he came over to the Senate, and he will be sorely missed. I will especially miss having him as a Member of the whip team here in the Senate.

I came to the House of Representatives with Senator BLUNT back in the election of 1996. We began our service in January of 1997, and he quickly rose up through the ranks in the House and became the Republican whip in the House of Representatives. He has always been involved in leadership wherever he has been, and his list of achievements is long.

All Americans have benefited over the past year from his tremendous efforts to accelerate coronavirus testing and vaccine development. And less than 2 months ago, in his role as chairman of Rules Committee, he oversaw a very successful inauguration at a particularly challenging time.

The one good thing is that ROY is not leaving us immediately. He will be here for 2 more years, and I look forward to continuing to work with him and to seeing everything that he will accomplish.

AMERICAN RESCUE PLAN ACT OF 2021

Mr. President, it has been quoted that "[t]he Senate works best when we work together. . . . The challenges we face are great. The divisions in the country are real. We have no choice but to try to work together every day to reward the faith the American people have placed in us."

Those are not my words. Those are the words of the Democratic leader on Inauguration Day. But I agree with him. The Senate does indeed work best when we work together. And, for proof, look no further than last week's debacle—a good example of what happens when, instead of working together, one

party tries to strong-arm its legislation through the Senate.

Last Friday was perhaps most notable for its 11-plus-hour vote on an amendment. Democrats held a 15-minute vote open for almost 12 hours—making it the longest vote in modern Senate history—because it had become clear that they were in danger of losing the support of one of their Members.

It turns out that when you force a massive, liberal piece of legislation through the Senate without committee review and without any attempt at soliciting input from the Senate as a whole, you start to lose support even from Members of your own party. It was an embarrassing moment for the Democrat leadership and a sad moment for the rest of the Senate.

In that same speech on Inauguration Day, the Democratic leader pledged:

[The] Senate will legislate. . . . And to my Republican colleagues, when and where we can, the Democratic majority will strive to make this important work bipartisan.

There was no evidence of that here. Democrats didn't try to make this bill bipartisan. In fact, they actively tried to make sure Republicans didn't have a voice in this legislation.

Remember that almost 12-hour amendment vote? Democrats held that vote open for nearly 12 hours solely because they were afraid that a Republican amendment might pass. Republicans were more than willing to work with Democrats on COVID relief, as we did last year on five separate COVID bills, but Democrats didn't want Republicans interfering with their legislation.

I want to talk about those previous COVID bills for just a minute. Prior to Democrats taking control of the Senate, COVID relief was a bipartisan process. Under Republican control, the Senate passed five COVID relief bills with overwhelming bipartisan majorities. Because both Democrats and Republicans had a voice in the legislation, there was no need to keep any of those votes open to engage in partisan arm-twisting. "The Senate works best when it works together."

The bipartisan process on those other COVID bills didn't just guarantee a bipartisan vote in the Senate; it also guaranteed that those other COVID bills were actually about COVID. Because both parties had to work together to get a result, neither party was able to hijack the bill for partisan purposes.

Contrast that with the bill the Senate passed on Saturday. While Democrats have tried to sell their legislation as a COVID relief bill, the truth is it isn't one. Just 1 percent—1 percent—of this bill actually goes to our top COVID priority—vaccinations—and less than 10 percent of this bill is directly related to combating the virus.

There has been a lot of talk about how this bill is a liberal wish list, which it is, but that is almost being too generous. A liberal wish list at least suggests some grand policy

schemes. This bill is mostly just a collection of payoffs to Democrat interest groups in Democrat States.

For the extreme abortion wing of the Democratic Party, this bill omits longstanding Federal restriction on using taxpayer dollars to pay for abortion. It makes labor unions eligible for loans designed to rescue Main Street small businesses. It bails out failing union pensions—a bailout even the New York Times describes as having "nothing to do with the pandemic" and as an "almost unheard-of" use of taxpayer dollars. That is from the New York Times.

It provides nearly \$129 billion for K-12 schools—despite the fact that these schools have spent just \$5 billion of the \$68 billion already given to them—while keeping teachers unions happy by making sure funding isn't tied to any requirement to actually get back to in-person instruction.

Then, of course, there is the money for the States. The bill appropriates a staggering \$350 billion for States, despite the fact that a majority of States already have the resources they need to weather the rest of the pandemic.

On top of that, the distribution formula for that \$350 billion is heavily weighted in favor of blue States, like California, which stands to see \$27 billion under this legislation, despite the fact that California's revenues are up by \$15 billion. Now, imagine the outcry if Republicans were directing funding to States that voted Republican in the last election.

And lest anyone thinks any of this was unintentional, Democrats doubled down on the partisanship when it came to amendments. They rejected an amendment that would have protected Americans from having their tax dollars used to pay for abortions, even though multiple Democrats broke ranks with their party to support this amendment.

They rejected an amendment to tie funding for schools to schools that actually are reopening. They rejected an amendment to ensure seamless support to nonpublic schools serving low-income students. They rejected an amendment to stop labor unions from taking loan money intended for small businesses. They rejected an amendment to provide greater transparency on nursing home COVID deaths, presumably in an attempt to protect the Democratic Governor of New York, who is under fire for seemingly deliberate attempts to obscure reporting of these deaths.

In a nod to the far-left environmental wing of the party, they rejected an amendment to reverse the President's cancellation of the Keystone XL Pipeline, which will cost thousands—thousands of American jobs.

I could go on for a while on amendments because there are a lot more.

Democrats passed an amendment that provides an incentive for some Americans to stay on unemployment by making more than \$10,000 of their unemployment benefits nontaxable.